

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

COMPASS-CHARLOTTE 1031, LLC,

Plaintiff,

-against-

PRIME CAPITAL VENTURES, LLC
BERONE CAPITAL FUND, LP
BERONE CAPITAL PARTNERS LLC
BERONE CAPITAL LLC
BERONE CAPITAL EQUITY FUND I, LP
405 MOTORSPORTS LLC f/k/a Berone Capital Equity
Partners LLC

Defendants.

Case No.: 24-cv-55
(MAD/CFH)

NOTICE OF MOTION

PLEASE TAKE NOTICE that based upon the accompanying Memorandum of Law, Declaration of James L. Tuxbury, dated January 26, 2024, and exhibits attached thereto, and upon all of the pleadings and proceedings heretofore had herein, the undersigned will move this Court before U.S. District Court Judge Mae A. D’Agostino, at the U.S. District Court for the Northern District of New York, James T. Foley Courthouse, located at 445 Broadway, Albany, New York 12207, at such date and time as the Court shall designate, for an Order pursuant to the Court’s supervisory powers and the New York Rules of Professional Conduct (i) to disqualify Defendant Prime Capital Ventures, LLC’s counsel from further participating in this suit; (ii) to prevent such counsel from gaining any recovery that Defendant Prime Capital Ventures, LLC might obtain through this suit; (iii) to pay Plaintiff’s counsel reasonable attorneys’ fees for bringing this Motion; and (iv) to grant such other relief as this Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to the schedule stipulated to by the Parties, any answering papers shall be served and filed on or before February 5, 2024, and any reply papers shall be served and filed on or before February 7, 2024.

DATED: January 26, 2024
Albany, New York

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